

REMARKS

Claims 1-32 are pending in the application.

Claims 1, 4, 7, 9, 12, 15, 16, 19, 22, 23 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okazaki (U.S. Patent No. 5,666,555) in view of Suzuki et al. (U.S. Patent No. 5,736,982).

Claims 5, 13, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okazaki in view of Suzuki, and further in view of Yamagami (U.S. Patent No. 6,334,025).

Claims 6, 14 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okazaki in view of Suzuki, Yamagami and further in view of Hilpert, Jr., et al. (U.S. Patent No. 6,469,712).

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Okazaki in view of Suzuki, and further in view of Tarabella (U.S. Patent No. 5,796,945).

The claims are amended, and, thus, the pending claims remain for reconsideration, which is requested. No new matter has been added.

The independent claims are 1, 9, 16, 19-23 and 32, which are amended to require the limitation "distance information generating means for calculating distances between the display positions of said plurality of video images and a cursor display position based on center position information ~~the video image position information for~~ of said plurality of video images and center position information of the displayed cursor ~~position information calculated by said cursor position information control means~~, and generating distance information." For example, the present application page 18, lines 21-26 and page 22, line 11 to page 23, line 6.

Okazaki discusses selecting one moving image where a pointing device, such as mouse, is positioned and outputting one sound data corresponding to this selectively. Okazaki, when it accepts that plural moving images are displayed in the state that those parts or all are overlapped, cannot specify a moving image outputting sound data based on a relation between the position of mouse cursor and the position of displayed moving images. In other words, the Office Action acknowledges that Okazaki only outputs audio for the selected image.

So the Office Action relies upon Suzuki, which discusses a configuration that by connecting three dimensions a virtual space is provided in which a user can move freely by preference and a plurality of terminals that can display other users' avatars. And by dividing

user's sound data and information of position within virtual spaces into other devices, a plurality of users can share the same virtual space and other user's sound data can be mixed and listened to by each user. Suzuki has a configuration that a virtual space itself can be shared by a plurality of connected terminals on the network and it acquires information of avatars positioned on the virtual space via network and the sound information itself is sent via network. However, the claimed embodiments provide “distance information generating means for calculating distances between the display positions of said plurality of video images and a cursor display position based on center position information ~~the video image position information for~~ of said plurality of video images and center position information of the displayed cursor position ~~information calculated by said cursor position information control means,~~” and “audio output control means for deciding volume of audio data for said plurality of video images based on the distance information generated by said distance information generating means,” providing a benefit of a display space displaying a plurality of video images controlled via a cursor and sound of the video images is controlled in relation to the cursor.

A prima facie case of obviousness based upon Okazaki and Suzuki cannot be established, because there is no evidence expressly or implicitly that one skilled in the art would combine Suzuki's sound output in relation to avatars with Okazaki and then further modify Suzuki and/or Okazaki to control audio output based upon “calculating distances between the display positions of said plurality of video images and a cursor display position based on center position information ~~the video image position information for~~ of said plurality of video images and center position information of the displayed cursor.”

Withdrawal of the rejection of independent claims and allowance of the claims is requested.

Dependent Claim 4 and 12:

Dependent claims 4 and 12 are allowable, because it is readily apparent that Okazaki and Suzuki do not disclose controlling volume of video images based upon x-axis direction information of the video images and a cursor in relation to two speakers, as recited in amended dependent claim 4, namely “x-axis direction information relating to direction of video image display position as seen from cursor display position based upon an x-coordinate of central coordinates of the center position information of the video images and an x-coordinate of central coordinates of the center position information of the displayed cursor, and ... output to ~~an audio output device~~ two speakers based on said ~~distance~~ x-axis direction information, so that audio

data for said plurality of video images is positioned in the sound space formed by said ~~audio output device~~two speakers.” For example, the present application page 23, line 8 to page 24, line 10 support the claim. In rejecting claim 19’s ‘direction information’ feature, the Office Action relies upon Okazaki column 4, lines 46-63, however, this Okazaki passage only discusses detecting location of the cursor in relation to position of moving picture for detecting designation of the moving picture.

Allowance of dependent claims 4 and 12 is requested.

CONCLUSION

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,
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